



Department of Energy

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JUN 16 1995

95-DOE-08464

Mr. Martin Hestmark
U. S. Environmental Protection Agency, Region VIII
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Denver, Colorado 80202-2405

Mr. Joe Schieffelin, Unit Leader
Hazardous Waste Facilities
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Gentlemen:

The Department of Energy (DOE) has received your letter of June 8, 1995, in which you jointly disapproved the Operable Unit 1 (OU1) Proposed Plan. DOE believes that Regulatory approval of a Proposed Plan (PP) is not provided for in the Interagency Agreement (IAG), and that to move forward to public comment with our proposed plan upon addressing your comments is consistent with the IAG. In your letter you also provided five stipulations that you stated DOE must concur with or invoke the dispute resolution process. We find no support for this contention in the IAG.

However, in reviewing your comments we have taken into consideration that current data indicates that there is no significant current or potential future risk to human health or the environment. We recognize the Regulators concern with respect to groundwater protection, and, therefore, offer the following resolution to your comments on the Proposed Plan:

1. DOE will propose institutional controls as the preferred remedy. This alternative assumes continued groundwater monitoring and deed restrictions for OU1.
2. DOE will present the results of the detailed analysis from the February 1995 final CMS/FS report.
3. Examples of potential mitigating actions are presented in the final CMS/FS report and will be referenced in the PP.

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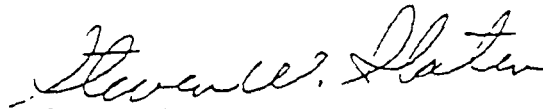
4. Monitoring will be continued as long as necessary to verify that the groundwater plume does not present a future risk to human health or the environment. DOE believes action levels set downgradient of the french drain and upgradient of Woman Creek will provide adequate indication of contaminant migration to protect human health and the environment. DOE proposes action levels based on preventing OUI contaminants from exceeding regulatory standards at Woman Creek. The ROD will specify how exceedence of action levels will require the ROD to be reopened.
5. Deed restrictions will be used to ensure no potential exposure route is allowed to become complete in the future.

DOE believes that this proposal is consistent with both RCRA and CERCLA, meets the intent of State GW regulations, and is protective of human health and the environment. In addition, DOE believes this ensures cost effective use of the taxpayers funds. If the Regulators believe this proposal is not protective, DOE requests a response identifying the specific risks which justify further expenditure at OUI.

The start of the public comment period has been delayed from the June 1, date recommended in my submittal of May 25. In order to give you time to respond to this letter, DOE will further postpone seeking public input until about June 27, 1995. As I will be out of the office next week, if you have any questions during that time, please call my designated alternate IAG project coordinator, Jessie Roberson.

DOE has made every attempt to utilize the consultative process to address the Regulator's concern while following the intent of the IAG and maintaining our role as stewards of the taxpayers funds. If the regulators do not agree with this proposal, DOE intends to follow the IAG and continue to seek public input on the preferred remedy in the May 25 PP.

Sincerely,



Steven W. Slaten
IAG Project Coordinator
Environmental Restoration

cc:
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